



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY: Antelope Valley State Waters
Contractors Association
Mendocino-Lake Community
College District
South Coast Air Quality
Management District
Tulare Joint Union High School
District
Woodland Joint Unified School
District

A written comment period has been established commencing on **April 25, 2008** and closing on **June 9, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Sec-

tion 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **June 9, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Ashley Clarke**, Fair

Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES AMENDMENT

MULTI-COUNTY: Stevenson Water District

A written comment period has been established commencing on **April 25, 2008** and closing on **June 9, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **June 9, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period**. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning April 25, 2008 and ending at 5:00 p.m. on June 9, 2008**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 407 of the Food and Agricultural Code, and to implement, interpret or make specific sections 9561, 9562, 9570 and 9574 of said Code, the Department proposes changes to Chapter 2, Division 2, of Title 3 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, Food and Agricultural Code section 9561 authorizes the State Veterinarian of the Department to establish regulations to prevent or eradicate any condition that could cause risk to animals or the health

and safety of the citizens of this State. Section 9562 further authorizes the State Veterinarian to quarantine or restrict the movement of animals or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans. Section 9570 authorizes the State Veterinarian to restrict the importation of animals, animal products, or other property from any state, territory, or foreign country should a quarantine be invoked pursuant to section 9562.

In compliance with the above sections of law, the Department has in place regulations under Article 11 (Emergency Control and Eradication of Animal Diseases), Chapter 2, Division 2, of Title 3 of the California Code of Regulations. The regulations specify the requirements for the movement of horses and other equidae into California from other states and countries where Contagious Equine Metritis (CEM) exists.

This proposal repeals section 810 (Contagious Equine Metritis) and amends section 810.1 (Contagious Equine Metritis—Importation of Equidae from Countries Known to Have Contagious Equine Metritis). The intent of this proposal is to update current regulations to establish consistency with current procedures for the prevention and control of Contagious Equine Metritis for horses entering California from countries known to have this disease.

COMPARABLE FEDERAL REGULATIONS

The importation requirements for horses are specified in 9 CFR section 93.304 (2007), which is incorporated by reference in this proposal. The requirements for entry into the United States are enforced by the United States Department of Agriculture (USDA); however the requirements to hold the animals at an approved Contagious Equine Metritis testing facility as stated in this proposal are USDA rules enforced by the state of destination under a formal USDA-State agreement.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, includ-

ing the ability of California businesses to compete with businesses in other states. The cost impacts that a business would necessarily incur in reasonable compliance with the proposed action are as follows:

- The USDA requires persons importing horses into the US from a country known to have CEM to obtain an official health certificate from the National Government of the country of export, a USDA entry permit, and pre-export testing for CEM. The Department can not estimate these costs as they are dependant upon the disease status, import/export procedures, and economy of the country from which the animal is transported. Once horses arrive in the US, they are required to be detained at the port of entry for additional testing. Costs for horses under quarantine at the USDA facility range from \$200–\$300 per day depending upon the country of origin.
- This proposal requires stallions or mares imported into California from a country known to have CEM to be held at an approved CEM testing facility to determine the diseases status of the animal. Costs to comply with these requirements are borne by the owner of the imported animal. The Center for Equine Health currently advertises fees for CEM quarantine and testing procedures as follows:
\$4,950 per stallion includes board for 30 days.
\$1,955 per mare or \$2,120 per mare with foal includes board for 15 days.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impacts on Private Persons or Entities: The cost impacts that a representative private person or entity would necessarily incur in reasonable compliance with the proposed action and that are known to the Department are:

- The USDA requires persons importing horses into the US from a country where CEM exists to obtain an official health certificate from the National Government of the country of export, a USDA entry permit, and pre-export testing for CEM. The Department can not estimate these costs as they are dependant upon the disease status, import/export procedures, and economy of the country from which the animal is transported. Once horses arrive in the US, they are required to be detained at the port of entry for additional testing. Costs for horses under quarantine at the USDA facility range from \$200–\$300 per day depending upon the country of origin.

- This proposal requires stallions or mares imported into California from a country known to have CEM to be held at an approved CEM testing facility to determine the diseases status of the animal. Costs to comply with these requirements are borne by the owner of the imported animal. The Center for Equine Health currently advertises fees for CEM quarantine and testing procedures as follows:

\$4,950 per stallion includes board for 30 days.

\$1,955 per mare or \$2,120 per mare with foal includes board for 15 days.

Effect on Housing Costs: None

Finding of Necessity for Report: The Department finds that it is necessary for the health, safety, and general welfare of the people of California that this regulation requiring a report applies to businesses.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Department of Food and Agriculture must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested from the public), or during the public comment period.

INITIAL STATEMENT OF REASONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is requested) or during the public comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-114, Sacramento, CA 95814.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquires concerning the substance of the proposed regulations is to be addressed to the following:

Name: Dr. Timothy J. Boone, DVM
Address: Department of Food and
Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-107
Sacramento, CA 95814
Telephone No.: (916) 654-1267
Fax No.: (916) 653-2215
E-mail address: tboone@cdfa.ca.gov

Written comments regarding this proposal for inclusion in the Department's official rulemaking file are to be addressed to the following:

Name: Thami Rodgers, Associate Analyst
Address: Department of Food and
Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-114
Sacramento, CA 95814
Telephone No.: (916) 698-3276
Fax No.: (916) 653-4249
E-mail address: trodgers@cdfa.ca.gov

Website Access:

Materials regarding this proposal can be found at www.cdfa.ca.gov/Regulations.html.

**TITLE 14. FISH AND GAME
COMMISSION**

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the au-

thority vested by sections 1904 and 2070 of the Fish and Game Code and to implement, interpret or make specific sections 1755, 1904, 2062, 2067, 2070, 2072.7 and 2075.5 of said Code, proposes to amend Section 670.2, Title 14, California Code of Regulations, relating to Plants of California Declared to Be Endangered, Threatened or Rare.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Department of Fish and Game proposes to amend Subsection (a), Section 670.2, Title 14, CCR, to remove Truckee barberry (*Mahonia sonnei*) from the list of endangered plants as it is not distinct from creeping barberry (*Berberis aquifolium* var. *repens*). At the same time, the Department of Fish and Game proposes to amend Subsection (c), Section 670.2, Title 14, CCR, to remove Marin bent grass (*Agrostis blasdalei* var. *marinensis*), slender-pod jewelflower (*Caulanthus stenocarpus*), and Hanging Gardens manzanita (*Arctostaphylos edmundsii* var. *parvifolia*) from the list of rare plants since these species cannot be differentiated from the species under which they are now placed: Blasdale's bent grass (*Arctostaphylos blasdalei*), San Diego jewelflower (*Caulanthus stenocarpus* var. *stenocarpus*), and Little Sur manzanita (*Arctostaphylos edmundsii*), respectively. The Department is fulfilling its statutory obligation in making this proposal which, if adopted, would remove these species from the protection available to it under CESA and the NPPA.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Education, 1430 N Street, Sacramento, California, on June 27, 2008, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 13, 2008 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on June 24, 2008. All comments must be received no later than June 27, 2008, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone

(916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Although the statutes of the California Endangered Species Act (CESA) do not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney General's Office has consistently advised the Commission that it should not consider economic impact in making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing or delisting process.

CESA is basically a two-stage process. During the first stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To accomplish this second stage, the Commission follows the statutes of the Administrative Procedure Act (APA).

The provisions of the APA, specifically sections 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. While Section 11346.3 requires an analysis of economic impact on businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other state laws. In this regard, the provisions of CESA leading to a finding are in apparent conflict with Section 11346.3, which is activated by the rulemaking component of CESA.

Since the finding portion of CESA is silent as to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 does not exclude the requirement for economic impact analysis. While the Commission does not believe this is the case, an abbreviated analysis of the likely economic impact of the proposed regulation change on businesses and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this analysis fully meets the intent and language of both statutory programs.

Delisting of Marin bent grass, slender-pod jewelflower, Hanging Gardens manzanita, and Truckee barberry will remove them from the provisions of the Native Plant Protection Act and/or CESA and consideration by applicants undertaking projects subject to CEQA. This delisting action is not expected to result in any significant adverse economic effect on small business or significant cost to private persons or entities undertaking activities subject to CEQA. Because mitigation as a result of lead agency actions under CEQA will not be required, the delisting action will not result in an increase in the cost of a project.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: None
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**TITLE 14. SAN FRANCISCO BAY
CONSERVATION AND DEVELOPMENT
COMMISSION**

**Notice of Proposed Rulemaking to Amend
California Code of Regulations Title 14, Division 5
Regulations Appendix M**

Revised Permit Application Fees

PUBLIC HEARING

The San Francisco Bay Conservation and Development Commission will hold a public hearing on June 19, 2008 at its regularly scheduled meeting, which begins at 1:00 p.m., at the **MetroCenter Auditorium, 101 Eighth Street, Oakland, California**. The Commission's hearing will concern proposed changes to the permit application fees. At the hearing, any person may present statements or arguments orally or in writing

relevant to the proposed action described in the Informative Digest.

Following the public hearing the Commission may adopt the proposals substantially as described below or may modify the proposals. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for at least 15 days prior to its adoption from the person designated in this Notice as contact person. Any proposed modifications will be mailed to those persons who submit written comments or who provide oral testimony, or who have requested notification of any changes to the proposal. Please notify the Commission to receive a meeting notice and any notices of change to the hearing date (see Contact Person, below).

WRITTEN COMMENT PERIOD

Any person or organization may submit written comments on the proposed regulatory action. The written comment period closes at **5:00 p.m. on June 19, 2008**. The Commission will consider only comments received by that time. Please submit written comments to:

Ellen Sampson, Staff Counsel
San Francisco Bay Conservation and Development
Commission
50 California Street, Suite 2600
San Francisco, California 94111
Telephone: (415) 352-3610
Email: ellens@bcdcd.ca.gov
FAX: (415) 352-3606

AUTHORITY AND REFERENCE

Authority: California Government Code Section 66632(f) and California Public Resources Code Section 29201(e).

Reference: California Government Code Section 66632(c) and California Public Resources Code Section 29520(b).

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Commission proposes to amend Commission Regulation Appendix M, which establishes BCDC permit application fees. The proposal would change the application fees and the process to periodically revise the fees to come as close as possible to recovering 20 percent of the total cost of operating BCDC's regulatory program. In general, fees for smaller or less costly projects would decrease over existing fees, while fees for the most expensive projects would increase. The fees would be revised every five years. The fees could in-

crease or decrease, depending on whether the fees collected in the prior five years were less than or more than an amount equal to 20 percent of the average total cost of BCDC's regulatory program. More details are contained in the initial statement of reasons.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: overall savings and costs are not significant; however, there will be a minor savings for all applications except those for the most expensive projects. An analysis of economic and fiscal impacts is contained in the Form 399 supplemental information, which can be obtained by contacting Ellen Sampson as indicated in this notice.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other nondiscretionary cost or savings imposed on local agencies: none.

Cost of savings in federal funding to the state: none.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: none.

Cost impacts on a representative private person or business: Any costs would be insignificant; the proposed regulations would save money for all private persons and businesses except for very expensive projects proposed for development in the Commission's permit jurisdiction. An analysis of economic and fiscal impacts is contained in the Form 399 supplemental information, which can be obtained by contacting Ellen Sampson as indicated in this notice.

Significant effect on housing costs: none.

Assessment of potential to create or eliminate jobs or businesses within the State of California: this proposed action would not create or eliminate jobs within California, would not create new businesses or eliminate existing businesses within California, or affect the expansion of businesses currently doing business within California.

Small Business Determination: The Commission has determined that the proposed regulatory changes will affect small business by decreasing the permit application fees for all projects except those that are very expensive; such expensive projects are unlikely to be undertaken by a small business. The increase and decrease in fees would not be significant compared to the project cost. An analysis of economic and fiscal impacts is contained in the Form 399 supplemental information,

which can be obtained by contacting Ellen Sampson as indicated in this notice.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present comments on the proposed regulatory action and alternatives at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to:

Ellen Sampson, Staff Counsel
San Francisco Bay Conservation and Development
Commission
50 California Street, Suite 2600
San Francisco, CA 94111
Telephone: (415) 352-3610
Email: ellens@bcdca.gov

The backup contact person for these inquiries is:

Tim Eichenberg, Chief Counsel
San Francisco Bay Conservation and Development
Commission
50 California Street, Suite 2600
San Francisco, CA 94111
Telephone: (415) 352-3610
Email: time@bcdca.gov

AVAILABILITY OF TEXT OF THE REGULATIONS AND THE STATEMENT OF REASONS AND PLAIN ENGLISH DETERMINATION

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date that this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies of the documents may be obtained from the Commission's website at www.bcdca.gov under the link to regulatory actions. Copies may also be obtained by contacting Ellen Sampson at the address or telephone number listed above.

The proposed regulations were prepared pursuant to the standard of clarity provided in Government Code

Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed regulations are non-technical and written to be easily understood by the affected parties.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments, the Commission may adopt the proposed regulatory changes substantially as described in this notice. If the Commission makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Commission adopts the regulations as modified. Please send requests for copies of any modified regulations to Ellen Sampson at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon the Commission's adoption of the regulations, copies of the Final Statement of Reasons may be obtained by contacting Ms. Sampson at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed changes in strikeout and underlined format, as well as the Final Statement of Reasons once it is completed, can be obtained from the BCDC website at www.bcdc.ca.gov.

TITLE 15. BOARD OF PAROLE HEARINGS

NOTICE OF PROPOSED RULEMAKING

TITLE 15. CRIME PREVENTION AND CORRECTIONS

DIVISION 2. BOARD OF PAROLE HEARINGS

(formerly known as "Board of Prison Terms")

CHAPTER 3. Parole Release

ARTICLE 3. Prisoner Rights

Amendment to Section 2253 Voluntary Waivers, Stipulations of Unsuitability, Postponements, and Continuances

NOTICE IS HEREBY GIVEN that the Board of Parole Hearings (board) proposes to amend California

Code of Regulations (CCR), title 15, section 2253 concerning lifer parole consideration hearings and the circumstances under which they may be delayed.

AUTHORITY AND REFERENCE

Government Code section 12838.4 and Penal Code sections 3052 and 5076.2 authorize the board to amend the proposed regulation. The proposed amended regulation implements, interprets and makes specific Penal Code sections 1170.2, 3041.5, and *In Re Rutherford* SC 135399A.

PUBLIC HEARING

The board has not scheduled a public hearing on this proposed regulatory action. However, the board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

The purpose of the public hearing is to receive oral comments about the proposed regulation. It is not a forum to debate the proposed regulation. No decision regarding the permanent adoption of these regulations will be rendered at this hearing. Written or facsimile comments submitted during the prescribed comment period have the same significance and influence as oral comments presented at a public hearing. The board members will not be present at the public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the board. **THE WRITTEN COMMENT PERIOD ON THIS PROPOSED REGULATORY ACTION WILL COMMENCE ON APRIL 25, 2008, AND WILL CLOSE AT 5:00 P.M. ON JUNE 9, 2008.** In order for the comments to be considered by the board, they must be submitted in writing (by mail, fax or e-mail) to the board's Contact Person identified in this Notice no later than the close of the comment period.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the circumstances under which a lifer parole consideration hearing may be delayed. The proposed amended regulation identifies guidelines for the granting of voluntary waivers, stipulations of unsuitability, postponements, and continuances of lifer parole consideration

hearings, while at the same time preserving the rights and interests of all persons properly appearing before the board.

Penal Code section 3041 establishes that the Board of Parole Hearings shall conduct a suitability hearing at least one year prior to the inmate's minimum eligible parole release date, and shall normally set a parole release date as provided in Section 3041.5. If a parole date is not set, section 3041.5 establishes the timeframe for scheduling a subsequent hearing. Penal Code section 3041.5 requires that at any lifer parole consideration hearing the prisoner shall be permitted to review his or her file, be present at the hearing to ask and answer questions, and to speak on his own behalf. Pursuant to Penal Code section 1170.2, eligibility to parole shall not be affected regardless if the prisoner was sentenced prior to or after July 1, 1977.

Subsection (b) of the amended regulation provides a mechanism for a life prisoner to voluntarily waive his or her parole consideration hearing for any reason by writing to the board and stating the reason for the request. A prisoner with a life offense may waive the life parole consideration hearing for one, two, three, four, or five years from the date of the scheduled hearing. The text includes the calendar deadlines for making such a request.

Subsection (c) of the amended regulation provides for stipulations of unsuitability that may be made at any time prior to a life parole consideration hearing. This stipulation must be in writing and submitted to the board stating the reasons that support unsuitability. The board will retain discretion to accept or reject the offer to stipulate.

Subsection (d) of the amended regulation provides for postponements which may be made by the Hearing Panel Chair or Board Executive Officer upon its own motion or at the request of a prisoner, due to the unavailability of a hearing panel, defective notices, absence of or untimely documents, reports, or required prisoner accommodations; or exigent circumstances such as illness of the attending parties, natural disasters or emergencies. The board may grant a prisoner's request for postponement for other reasons only upon a showing of good cause. Additional calendar and notice procedures are outlined in this portion of the text.

Subsection (e) of the amended regulation provides for continuances which are necessary on occasion after a lifer parole consideration hearing has commenced. They are granted upon a showing of good cause which could not have been known by the party requesting the continuance prior to the commencement of the hearing. In such a case, the District Attorney and/or the victim or victim's next of kin or designated representative may elect to give a statement on the record before the hearing

is continued and this statement shall be made available to subsequent hearing panels.

DISCLOSURES REGARDING THE PROPOSED ACTION

Local Mandates: The board has determined that the proposed action imposes no mandate upon local agencies or school districts.

Fiscal Impact Statement: The board has made the following initial determinations:

- o Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: **None**
- o Cost or savings to any state agency: **None**
- o Other non-discretionary cost or savings imposed on local agencies: **None**
- o Cost or savings in federal funding to the state: **None**

Significant Statewide Adverse Economic Impact on Business: The board has determined that there is no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment of Effects on Job and/or Business Creation, Elimination or Expansion: The board has determined that adoption of this regulation will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing business within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on Housing Costs: The board has made an initial determination that the proposed action will have no significant effect on housing costs.

Small Business Determination: The board has determined that the proposed regulation does not have a significant adverse economic impact on small business because small businesses are not affected by the internal management of State prisons.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to

affected private persons, than the proposed regulatory action. Interested parties are accordingly invited to present statements or arguments with respect to any alternatives to the proposed changes during the public comment period.

CONTACT PERSON

Please direct requests for copies of the Initial Statement of Reasons, the proposed amended text of the regulation, or other information upon which the rulemaking is based to:

Elizabeth Geiger, Regulations Coordinator
Board of Parole Hearings
P.O. Box 4036
Sacramento, CA 95812-4036
Telephone: (916) 324-6434
Facsimile: (916) 445-4086
E-mail: Elizabeth.Geiger@cdcr.ca.gov

In any such inquiries, please identify the action by using the board's regulation control number RN 08-01.

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above: Devaney Sullivan at (916) 322-6815 or Devaney.Sullivan@cdcr.ca.gov.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The board will make the rulemaking file available to the public throughout the rulemaking process at its offices located at 1515 S Street, Suite 600, Sacramento, California. As of the date this Notice is published in the Office of Administrative Law's Notice Register, the rulemaking file consists of this Notice, Form 400 (Notice of Submission of Regulations), the proposed text of the regulation, Initial Statement of Reasons and Form 399 (Fiscal Impact Statement). Copies of these documents may be obtained by contacting the board's Contact Person at the address or phone number listed above or by visiting the board's Web site at: http://www.cdcr.ca.gov/Divisions_Boards/BOPH/reg_revisions.html

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the board may adopt the proposed regulations substantially as described in this Notice. If the board makes modifications which are sufficiently related to the originally proposed text, it will make the modified

text (with the changes clearly indicated) available to the public for at least 15 days before the board adopts the regulations as revised. Please send requests for copies of any modified regulation text to the attention of the Contact Person identified in this Notice or by visiting the board's Web site at http://www.cdcr.ca.gov/Divisions_Boards/BOPH/reg_revisions.html. The board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained from the board's Regulation Coordinator or by visiting the board's Web site at:

http://www.cdcr.ca.gov/Divisions_Boards/BOPH/reg_revisions.html

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

Title 16, Division 4. Board of Chiropractic Examiners

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter "board") is proposing to amend regulations described in the Informative Digest below. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held:

Department of Consumer Affairs
Hearing Room, 1st Floor
1625 North Market Blvd.,
Sacramento, CA 95834

Date: June 9, 2008
Time: 10 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received in the board's office no later than 5:00 p.m. on June 9, 2008, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 1000–4(b), and 1000–10 of the Business and Professions Code; and the Chiropractic Initiative Act of California Stats. 1923. lxxxviii., and to implement, interpret or make specific Sections 125.9, 1000–4(b), and 1000–10, of said Code; the board is considering changes to Title 16, Division 4, of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Sections 390, 390.3, 390.4, 390.5, 390.6, and repeal section 390.2:

The Chiropractic Initiative Act Section 1000–4(b) authorizes the board to adopt as they may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.

Business and Professions Code Section 125.9 authorizes the board created by the Chiropractic Initiative Act, to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine in an amount not to exceed \$5000.00 where the licensee is in violation of applicable laws and regulations.

This proposal authorizes the assessment of fines in the range of not less than \$100 or more than \$5,000 for any violations of any laws or regulations governing the practice of chiropractic. Further, this proposal would repeal section 390.2, which currently allows the board to only issue citations specific to violations listed in this section. By repealing this section, it increases the board's ability to issue citations to licensees for all applicable laws and regulations, which increases consumer protection.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The board has determined that the proposed regulation will result in an increase in the board's fund, which is where the administrative fines would be deposited.

Non-discretionary Costs/Savings to Local Agencies:
None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact:

The board initially determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impact on Representative Private Person or Business:

The cost impact would depend upon compliance with all applicable laws and regulations. For the vast majority of licensees who do not violate the law, the impact would be minimal.

However, to those who violate laws and regulations, the impact would be more significant.

Effect on Housing Costs: None

Effect on Small Business:

The board has determined that this regulatory proposal may have an effect on small businesses/licensees who fail to comply with the board's laws and regulations.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative that it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearings.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the information upon which the proposal is based, may be

obtained at the hearing or prior to the hearing upon request from

April Alameda, Program Analyst
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
(916) 263-5329
Fax (916) 263-5369
aalameda@chiro.ca.gov

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the web site, www.chiro.ca.gov.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: April Alameda, Program Analyst
Address: 2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
Telephone: (916) 263-5329
Fax: (916) 263-5369
E-mail: aalameda@chiro.ca.gov

Back-up Contact person:

Name: Brian Stiger, Executive Officer
Address: 2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
Telephone: (916) 263-5355
Fax: (916) 263-5369
E-mail: chiro.info@chiro.ca.gov

Web Site Address: Materials regarding this proposal can be found at www.chiro.ca.gov.

TITLE 16. STATE BOARD OF GUIDE DOGS FOR THE BLIND

NOTICE IS HEREBY GIVEN that the State Board of Guide Dogs for the Blind (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Guide Dogs of

America, 13445 Glenoaks Boulevard, Sylmar, California 91342 at 1:00 p.m., on June 9, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on June 9, 2008 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 7208 of the Business and Professions Code, and to implement, interpret or make specific Section 7208 of said Code, the board is considering changes to Division 22 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 7208 authorizes the board to govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs.

1. Amend section 2250.

Existing regulations reflect the old address of the board.

The amendment to section 2250 would reflect the current address of the board.

2. Repeal sections 2274 and 2277.

Existing regulations provide that all persons desiring to receive instruction in the use of a guide dog shall present to the school a certificate from a licensed physician or surgeon stating that the applicant is free of contagious or communicable diseases. All instructors of blind persons in the use of guide dogs shall be free of defects or disabilities that prevent or interfere with the proper training of guide dogs or instruction of blind persons in the use of such dogs.

This proposal would repeal section 2274 because the requirement that a guide dog student be free of contagious and communicable disease is outdated. Section 2277 is also being repealed because this regulation would cause schools to violate the federal American with Disabilities Act and the California Fair Employment and Housing Act, which prohibit employers from discriminating against employees due to a disability.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would not affect small businesses because the proposed regulations pertain to individual licensees or instructors.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the State Board of Guide Dogs for the Blind at 1625 N. Market Blvd., Suite S 202, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Antonette Sorrick, Executive Officer
Address: 1625 N. Market Blvd., Suite S-202
Sacramento, CA 95834
Telephone No.: (916) 574-7825
Fax No.: (916) 574-8619
E-Mail Address: antonette_sorrick@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.dca.ca.gov/guidedogboard.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a

Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication April 25, 2008
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Highway 101 High Occupancy Vehicle
(HOV) Widening Project
Sonoma County
2080-2008-002-03

The Department of Fish and Game (Department) received a notice on April 9, 2008 that the California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the construction of a new High Occupancy Vehicle (HOV) lane in both directions, with standard 10-foot inside shoulders and a concrete median barrier, and related improvements along a 7.6-mile stretch of Hwy-101 [PM 21.7 to 29.3], from Steele Lane to Windsor River Road, in Sonoma County, CA (Project). Project activities associated with staging and construction may result in temporary and permanent impacts to the Central California Coastal (CCC) coho salmon (*Oncorhynchus kisutch*).

The National Marine Fisheries Service (NMFS) issued a "no jeopardy" federal biological opinion (2008/01830:DHW)(BO) and incidental take statement (ITS) to Caltrans (designated as lead agency as per Memorandum of Understanding with the Federal Highway Administration) on April 4, 2008, which considered the effects of the project on the Federally endangered and State endangered CCC coho salmon.

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an inci-

dental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —

Public Interest Notice

For Publication April 25, 2008

CESA CONSISTENCY DETERMINATION

REQUEST FOR

Highway 101 Mad River Bridge Replacement Project

Humboldt County

2080–2008–003–01

The Department of Fish and Game (Department) received a notice on April 15, 2008, that the California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the demolition and replacement of both Mad River Bridges on Hwy–101 [PM 89.2 to 90.4], near McKinleyville, in Humboldt County, CA (Project). Project activities associated with construction, including pile driving and fish relocation, will result in temporary and permanent impacts to the Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*).

The National Marine Fisheries Service (NMFS) issued a “no jeopardy” federal biological opinion (2008/02092)(BO) and incidental take statement (ITS) to Caltrans (designated as lead agency as per Memorandum of Understanding with the Federal Highway Administration) on April 11, 2008, which considered the effects of the project on the Federally threatened and State threatened SONCC coho salmon.

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

**CALIFORNIA DEPARTMENT OF
FISH AND GAME**

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080–2008–009–02

PROJECT: Shin Kee Tract Wetlands Restoration Project

LOCATION: Shin Kee Tract, San Joaquin County

NOTIFIER: Mr. Jim Panagopoulos, A. G. Spanos Companies

APPLICANT: A. G. Spanas Companies

BACKGROUND

A. G. Spanos Companies (Spanos), proposes to construct the Shin Kee Tract Wetlands Restoration project on approximately 142 acres at the Shin Kee Tract in San Joaquin County, CA (hereafter, the Project). Construction of the Project will result in creation of a matrix of habitat consisting of a mixture of 80 percent wetlands and 20 percent uplands on land that is currently in agricultural production. Activities include mass grading of the Project site, construction of new levees along the west and south sides of the restoration area, improvements to existing levees as needed, and the installation of two inlet/outlet structures along the existing man-made levee located on the east side of the Project site. The primary purpose of the proposed Project is to generate wetland and special status species mitigation credits which can be used to offset impacts resulting from various Spanos development activities covered under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (Plan). Upon completion of Project construction, the Shin Kee Tract will be protected in perpetuity and managed under the Plan by the San Joaquin Council of Governments, Inc. using funds paid by Spanos pursuant to the fees set forth in the Plan.

The construction activities that are the subject of this determination will result in temporary adverse impacts to 1.3 acres of wetland habitat associated with interior ditches, and an additional 0.05 acres associated with the construction of tidal inlets/outlets along White Slough. The U.S. Fish and Wildlife Service (Service) determined that this habitat could support individuals of the giant garter snake (*Thamnophis gigas*) (GGS), which is listed as threatened pursuant to both the federal Endangered Species Act (“ESA”) (16 U.S.C. § 1531 *et seq.*) and the California Endangered Species Act (“CESA”) (Fish and Game Code § 2050 *et seq.*). However, the completed Project will result in a large, continuous block of habitat that will be protected and managed in perpetuity for the benefit of GGS and is expected to substantially improve habitat over existing site conditions.

Because the Project has the potential to take a species listed under ESA, the U.S. Army Corps of Engineers (Corps) consulted with the Service under Section 7 of the ESA, and on October 3, 2007 the Service issued Biological Opinion No. 1–1–07–F–0308 (BO) for the Shin Kee Tract Wetlands Restoration Project. The BO describes the project activities and sets forth measures

to minimize and mitigate impacts to GGS and its habitat. On March 10, 2008 the Director of the Department of Fish and Game (DFG) received a notice from Spanos pursuant to Fish and Game Code Section 2080.1, requesting a determination that the October 3, 2007 BO, including its incidental take statement (ITS) is consistent with CESA.

DETERMINATION

DFG has determined that the BO, including its ITS, is consistent with CESA, because the mitigation measures therein meet the conditions set forth in Fish and Game Code section 2081, subparagraphs (b) and (c), for authorizing the incidental take of CESA-listed species. Specifically, DFG finds that take of GGS will be incidental to an otherwise lawful activity (*i.e.*, construction and management of wetlands complex), the mitigation measures identified in the BO and required by the ITS will minimize the impacts of the authorized take of GGS, the creation and management of a large, contiguous block of habitat for GGS will fully mitigate the impacts of the authorized take, and the Project will not jeopardize the continued existence of GGS. The mitigation measures in the BO and ITS include, but are not limited to, the following:

1. Minimize impacts to individuals and existing habitat: Restoring GGS habitat includes minimizing impacts of project activities to the existing habitat, including using silt-fencing, designating environmentally sensitive areas, using protective mats, preventing runoff and providing worker awareness training. Measures to minimize impacts include:
 - a. Construction activity within GGS habitat will be conducted between May 1 and October 1 in order to minimize direct mortality of GGS. This is the active period for GGS, and snakes are expected to move around and avoid danger. There shall not be any construction activities between October 2 and April 30.
 - b. Clearing will be confined to the minimal area necessary to facilitate construction activities. Spanos shall flag and designate GGS habitat to be avoided within or adjacent to the project area as Environmentally Sensitive Areas. These areas will be avoided by all construction personnel.
 - c. Construction personnel will receive Service-approved worker environmental awareness training. This training instructs workers to recognize GGS and its habitat(s).
 - d. 24-hours prior to the start of construction activities, the Project area will be surveyed for GGS. A re-survey of the project area will be conducted if a lapse in construction activity of two weeks or greater has occurred. If a GGS is encountered during construction, activities shall cease until appropriate avoidance measures have been taken or it has been determined that the snake will not be harmed. Spanos shall report any sightings and any incidental take to the Service immediately.
 - e. Spanos shall ensure that any dewatered habitat will be kept dry for at least 15 consecutive days after May 1, 2008 and prior to excavating or filling of the dewatered habitat.
 - f. Upon Project completion, Spanos shall remove all construction debris and stockpiled materials.
 - g. All construction shall occur during daylight hours.
2. Create Replacement Habitat: Creation of managed marsh on 142 acres will offset the loss of approximately 1.35 acres of suitable GGS habitat. To ensure creation activities adequately replace habitat, Spanos shall:
 - a. Replant and hydroseed the restoration area. Recommended plantings consist of a) wetland emergents, b) low-growing cover on or adjacent to bunks, and c) upland plantings/hydroseeding mix to encourage use by other wildlife.
 - b. Obtain cuttings, plantings, plugs, or seeds, from local sources wherever possible and will attempt to restore conditions similar to that of adjacent or nearby habitats:
 - i. Emergent wetland plants recommended for GGS habitat are California bulrush (*Scirpus californicus*), cattail (*Typha* spp.), and water primrose (*Ludwigia peploides*). Additional wetland plantings may include common tule (*Scirpus acutus*), Baltic rush (*Junco balticus*), or duckweed (*Lemna* spp.)
 - ii. Cover species on or adjacent to the bank may include California blackberry (*Rubus vitifolius*) or wild grape (*Vitis californicus*), along with the hydroseeding mix recommended below.
 - iii. Upland planting/hydroseeding mix: Disturbed soil surfaces such as levee slopes will be hydroseeded to prevent erosion. The Service recommends a mix

- of at least 20–40 percent native grass seeds [such as Annual fescue (*Vulpia* spp), California biome (*Bromus carinatus*), blue wildrye (*Elvmus glaucus*) and needle grass (*Nassella* spp.)], 2–10 percent native forb seeds, five percent rose clover (*Trifolium hirtum*), and five percent alfalfa (*Medicago sativa*). Approximately 40–68 percent of the mixture may be non-aggressive European annual grasses [such as wild oats (*Avena sativa*), wheat (*Triticum* spp.), and barley (*Hordeum vulgare*)]. The Corps will not include aggressive non-native grasses, such as perennial ryegrass (*Lolium perenne*), cheatgrass (*Bromus tectorum*), fescue (*Festuca* spp), giant reed (*Arundo donax*), medusa-head (*Taeniatherum caput-medusae*), or Pampas grass (*Cortaderia selloana*) in the hydroseed mix. The Corps will not include endophyte-infected grasses in the mix. Mixes of one-hundred percent native grasses and fords may also be used, and are encouraged.
- c. Ensure the following essential habitat component requirements are met:
 - i. All replacement habitat must include both upland and aquatic habitat components. Upland and aquatic habitat components must be included in the replacement habitat at a ratio of 2:1 upland acres to aquatic acres
 - ii. A semi-permanent or permanent aquatic habitat which provides water during the active period for giant garter snakes (April through October) with suitable vegetative cover present. Linear or meandering channels with slow flowing water over mud or silt substrate are preferred
 - iii. Upland basking and retreat sites with low growing vegetation cover adjacent to aquatic habitat, and upland retreats and flood refugia with partially buried broken concrete or animal burrows
 - iv. Small fish and amphibian larvae for foraging, but predatory “game-fish” (bass, *Micropterus* spp.; sunfish, *Lepomis* spp; catfish, *Ictalurus* spp. and *Ameiurus* spp.) absent or controlled.
 3. Habitat Monitoring: Creation of replacement habitat will be monitored for 5 years following implementation. Hydrology will be monitored for the first two years after creation of wetlands. The monitoring effort will continue for three additional years to ensure success criteria are met. Monitoring reports documenting implementation of conservation measures will be submitted to the Service: (1) upon completion of wetland creation; (2) yearly for the first two years of monitoring; and (3) 5 years from implementation. Monitoring reports will include photo documentation when restoration was completed, what materials were used, plantings (if specified) and justification of any substitutions to the Service recommended guidelines. Monitoring reports will also include recommendations for remedial actions and approval from the Service, if necessary, and justification from release of any further monitoring, if requested. Success criteria include:
 - a. At completion of monitoring, the cover measured on the habitat area will be 90 percent of cover measured on the reference site
 - b. At completion of monitoring, the species composition measured on the habitat area will be 90 percent of that measured on the reference site
 - c. At completion of monitoring, wetlands created on the site will meet Corps jurisdictional criteria
 4. Ensured Funding: Spanos has ensured funding for implementation of the Project restoration/creation and the five year monitoring through execution of a letter of credit in favor of the Service in the amount of \$246,451.00.
- Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of giant garter snake for the Project, provided that Spanos implements the Project as described in the BO and complies with the mitigation measures and other conditions described therein. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO, Spanos will need to obtain from DFG a new consistency determination (in accordance with Fish and Game Code section 2080.1) or an incidental take permit (in accordance with Fish and Game Code section 2081).
- By: /s/ Sonke Mastrup, Deputy Director
Resources Management and Policy Division
California Department of Fish and Game
- Date: 4/9/08

**RULEMAKING PETITION
DECISIONS**

**SUMMARY OF REGULATORY
ACTIONS**

**TITLE 18. STATE BOARD OF
EQUALIZATION**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

**NOTICE OF DECISION AS REQUIRED BY
GOVERNMENT CODE SECTION 11340.7**

On February 29, 2008, the California State Board of Equalization received a petition from Mr. Stephen H. Bennett requesting that the Board amend Property Tax Rule 462.001, *Change in Ownership — General*, California Code of Regulations, Title 18, section 462.001.

Mr. Bennett petitioned the Board to amend the Rule to add a requirement that an assessor must calculate the value of any property interest transferred and compare it to the property's fee value to determine whether or not a change in ownership occurred upon the transfer.

The Board's authority to adopt regulations governing local boards of equalization when equalizing and county assessors when assessing is found in subdivision (c) of Government Code section 15606.

The Board scheduled this matter for hearing on the Chief Counsel Matters agenda at its March 19, 2008 Board meeting.

On March 7, 2008, the Board posted on the Internet a memorandum containing staff's recommendation with regard to the petition.

At its March 19, 2008 meeting, the Board voted to deny the petition in whole. That decision was based on the Board's conclusion that the amendment requested in the petition is inconsistent with Revenue and Taxation Code section 60.

A hardcopy of the petition may be requested by contacting Mr. Rick Bennion, P.O. Box 942879, 450 N Street, MIC: 80, Sacramento, CA 94279-0080; Telephone (916) 445-2130; Fax (916) 324-3984; E-mail Richard.Bennion@boe.ca.gov.

Questions regarding this matter should be directed to Acting Assistant Chief Counsel Randy Ferris, Telephone (916) 322-0437, Fax (916) 323-3387, or E-mail Randy.Ferris@boe.ca.gov.

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-0304-03
BOARD OF BARBERING AND COSMETOLOGY
Summary Suspension

This Certificate of Compliance filing seeks adoption to Title 16 California Code of Regulations of sections 973, 973.1, 973.2, 973.3, 973.4, 973.5, and 973.6 to establish the procedure for the disciplinary suspension authorized by AB 409 (Chapter 381, Statutes 2006) which was enacted with an urgency clause. AB 409 authorizes disciplinary action toward licensees and establishment owners that do not abide by health and safety laws relating to foot spa safety and other health and safety laws. Specifically, AB 409 provides for immediate temporary suspension and probation of licensees. This rulemaking establishes the grounds for suspension, procedures for issuing suspensions, contents of the suspension Notice, terms and conditions of probation, the contents of remedial training, and the appeal process for challenging the suspension and probation.

Title 16
California Code of Regulations
ADOPT: 973, 973.1, 973.2, 973.3, 973.4, 973.5, 973.6
Filed 04/16/2008
Agency Contact: April Oakley (916) 575-7102

File# 2008-0311-01
BOARD OF EQUALIZATION
Charitable Organizations

This change without regulatory effect amends title 18 Cal. Code of Regulations Section 1570 to exempt from gross receipts for sales tax purposes the sale, storage, use, or other consumption of new children's clothing to nonprofit organizations that will distribute the clothing without charge to persons under the age of 18. Nonprofit organizations must be qualified under Revenue and

Taxation Code Sec. 23701d or 23701f. After December 31, 2013, the nonprofit organization must be qualified under Revenue and Taxation Code Sec. 23701d and the distribution of new clothing must be to elementary school children. This rulemaking action is filed under title 1 Cal. Code of Regulations Section 100(a)(6) so as to conform section 1570 of title 18 Cal. Code of Regulations to recently amended Revenue and Taxation Code Sec. 6375.5.

Title 18
California Code of Regulations
AMEND: 1570
Filed 04/10/2008
Agency Contact: Rick Bennion (916) 445-2130

File# 2008-0304-04
BOARD OF OCCUPATIONAL THERAPY
Limited Permit

This amendment to 16 CCR section 4123 shortens the amount of time a limited permit will be valid and requires limited permit holders to inform the Board of the permit holder's employer's information, including the name, address and license number of the supervising occupational therapist.

Title 16
California Code of Regulations
AMEND: 4123
Filed 04/10/2008
Effective 05/10/2008
Agency Contact: Heather Martin (916) 322-3394

File# 2008-0317-03
BOARD OF PSYCHOLOGY
Location of Principal Office

The Board of Psychology is amending section 1380.1, title 16, California Code of Regulations, entitled "Location of Principal Office". The amendment changes the address of the principal office.

Title 16
California Code of Regulations
AMEND: 1380.1
Filed 04/14/2008
Agency Contact: Kathy Bradbury (916) 263-0712

File# 2008-0303-01
CALIFORNIA ENERGY COMMISSION
Electric Transmission Corridor Designation Process

This action prescribes the procedure for the Commission to designate a transmission corridor zone under Public Resources Code section 25331 to serve as a pathway for high voltage electrical transmission lines.

Title 20
California Code of Regulations
ADOPT: 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, Appendix A
Filed 04/15/2008
Effective 04/15/2008
Agency Contact: Arlene L. Ichien (916) 654-3959

File# 2008-0229-01
CALIFORNIA HIGHWAY PATROL
Motor Carrier Safety Regulations — Consistency with Title 49, CFR

This regulatory action revises the current publication date for previously incorporated by reference portions of the Code of Federal Regulations. It also deletes state regulations that are in conflict with the federal changes.

Title 13
California Code of Regulations
AMEND: 1202.1, 1202.2, 1232
Filed 04/10/2008
Effective 05/10/2008
Agency Contact: Gary Ritz (916) 445-1865

File# 2008-0229-06
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Human Trafficking Training

In this regulatory action, the Commission on Peace Officer Standards and Training amends its regulation on "Minimum Standards for Legislatively Mandated Courses" to add the course of instruction for "Human Trafficking Training," a course mandated by Penal Code section 13519.14.

Title 11
California Code of Regulations
AMEND: 1081
Filed 04/14/2008
Effective 04/14/2008
Agency Contact: Patricia Cassidy (916) 227-4847

File# 2008-0410-02
DEPARTMENT OF FOOD AND AGRICULTURE
Diaprepes Root Weevil Interior Quarantine

This emergency regulatory action expands the boundary of the interior quarantine for the Diaprepes root weevil.

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 04/15/2008
Effective 04/15/2008
Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0304-02

DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This is the certification of four emergency rulemakings which expanded and contracted various areas of numerous counties with respect to the light brown apple moth (*Epiphyas postvittana*) [OAL file numbers: 07-0919-03 E; 07-1101-01 E; 07-1119-01 E and 07-1121-06 E.]

Title 3

California Code of Regulations

AMEND: 3434(b) & (c)

Filed 04/16/2008

Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0325-01

DEPARTMENT OF HEALTH CARE SERVICES
Estate Recovery

Nonsubstantive changes in this filing include adding a new authority citation to Title 22, sections 50960.2 through 50966. The citation being added is Health and Safety Code section 20 which specifies that any reference to the former State Department of Health Services regarding a function not vested by Chapter 2 (commencing with Section 131050) of Part 1 of Division 112, in the State Department of Public Health, is deemed to, instead, refer to the State Department of Health Care Services.

Title 22

California Code of Regulations

AMEND: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50962, 50963, 50964, 50965, 50966

Filed 04/15/2008

Agency Contact: Shelly Osuna (916) 650-6825

File# 2008-0229-05

DEPARTMENT OF PUBLIC HEALTH
Industrial Radiography Certification

This regulatory action amends provisions governing industrial radiography by specifying training and licensing requirements for various levels of industrial radiography certification, establishes various application and licensing fees, and updates dosimeter technology required to be used by radiographers.

Title 17

California Code of Regulations

ADOPT: 30333.05, 30333.07, 30333.3, 30335.1, 30335.2, 30335.3, 30335.4, 30335.5, 30335.6, 30335.10, 30336.1, 30336.5, 30336.6, 30336.7, 30336.8, 30338 AMEND: 30195.3, 30295, 30330, 30331, 30332, 30332.1, 30332.2, 30332.3, 30332.4,

30332.5, 30332.6, 30332.7, 30332.8, 30333, 30333.1, 30333.2, 30334, 30336, 30337 REPEAL: 30335

Filed 04/11/2008

Effective 05/11/2008

Agency Contact: Jasmin Delacruz (916) 440-7688

File# 2008-0314-03

FAIR POLITICAL PRACTICES COMMISSION

Audits of CalPERS Candidate Committees

This action concerns the Fair Political Practices Commission's audits of candidates for an election to the Board of Administration to the Public Employees' Retirement System.

Title 2

California Code of Regulations

AMEND: 18997

Filed 04/09/2008

Effective 05/09/2008

Agency Contact:

Virginia Latteri-Lopez (916) 324-3854

File# 2008-0321-07

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Brakes on Haulage Vehicles Construction — Maintenance

This amendment to 8 CCR section 7016(c) implements a decision of the Occupational Safety and Health Appeals Board. The Appeals Board agreed with the Administrative Law Judge that "maintained in good condition" was unclear. The amendment clarifies that "good condition" means maintained in accordance with the recommendations of the vehicle manufacturer. If the recommendations are no longer available, the maintenance and repairs shall be performed by a "qualified person," as that term is defined in 8 CCR section 3207.

Title 8

California Code of Regulations

AMEND: 7016(c)

Filed 04/11/2008

Effective 05/11/2008

Agency Contact: Marley Hart (916) 274-5721

File# 2008-0304-05

STATE ALLOCATION BOARD

State School Deferred Maintenance Program Reg. Amendments

This action amends regulations governing the State School Deferred Maintenance Program (DMP) by clarifying acceptable sources of money for a school district's share and eliminating provisions allowing double counting of Charter School Facilities Program (CSFP) Rehabilitation project work in a school district's DMP extreme hardship grant.

Title 2
California Code of Regulations
AMEND: 1866, 1866.4.3, 1866.13, Form SAB
40–22 (Rev. 10/07)
Filed 04/10/2008
Effective 04/10/2008
Agency Contact: Robert Young (916) 445–0083

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN NOVEMBER 14, 2007 TO
APRIL 16, 2008**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

02/25/08 ADOPT: 48, 50, 52 AMEND: 55
01/29/08 AMEND: 1, 6, 90, and Appendix A (Std. Form 400)

Title 2

04/10/08 AMEND: 1866, 1866.4.3, 1866.13, Form SAB 40–22 (Rev. 10/07)
04/09/08 AMEND: 18997
03/28/08 ADOPT: 59630
03/24/08 AMEND: 18735
03/19/08 AMEND: 55300
03/19/08 AMEND: 549.90
03/19/08 AMEND: 18200
03/03/08 AMEND: 1859.76, 1859.83, 1859.104.3
02/25/08 AMEND: 549.80
02/25/08 AMEND: 714
01/07/08 AMEND: 1859.2, 1859.43, 1859.50, 1859.51, 1859.81, 1859.106
01/07/08 AMEND: 18531.61
01/03/08 ADOPT: 547.69, 547.70, 547.71
AMEND: 547.69 renumbered as 547.72, 547.70 renumbered as 547.74, 547.71 renumbered as 547.73
12/26/07 AMEND: div. 8, ch. 54, sec. 54300
12/19/07 ADOPT: 18413
12/18/07 ADOPT: 1859.324.1, 1859.330
AMEND: 1859.302, 1859.318, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.326, 1859.328, 1859.329
12/17/07 AMEND: 58700
12/17/07 AMEND: 18351

12/13/07 ADOPT: 18531.2
12/13/07 AMEND: 18530.4
12/13/07 AMEND: 18421.2
12/06/07 AMEND: 649, 649.1 (Renumbered to 649.15), 649.1.1 (Renumbered to 649.16), 649.2 (Renumbered to 649.12), 649.3 (Renumbered to 649.24), 649.7 (Renumbered to 649.35), 649.8 (Renumbered to 649.36), 649.9 (Renumbered to 649.7), 649.10 (Renumbered to 649.22), 649.11 (Renumbered to 649.8), 649.12 (Renumbered to 649.9), 649.13 (Renumbered to 649.23), 649.14 (Renumbered to 649.27), 649.15 (Renumbered to 649.11), 649.16 (Renumbered to 649.30), 649.17 (Renumbered to 649.31), 649.18 (Renumbered to 649.26), 649.20, 649.21, 649.22 (Renumbered to 649.10), 649.71 (Renumbered to 649.25), 649.72 (Renumbered to 649.4), 650.1 (Renumbered to 649.6), 651.1 (Renumbered to 649.1), 651.2 (Renumbered to 649.14), 651.3 (Renumbered to 649.13), 651.4 (Renumbered to 649.34), 651.5 (Renumbered to 649.5), 652.1 (Renumbered to 649.39), 652.2 (Renumbered to 649.40), 653.1 (Renumbered to 649.42), 653.2 (Renumbered to 649.2), 653.3 (Renumbered to 649.41), 653.4 (Renumbered to 649.37), 653.5 (Renumbered to 649.38), 653.6 (Renumbered to 649.61), 654.1 (Renumbered to 649.3), 654.2 (Renumbered to 649.43), 654.3 (Renumbered to 649.46), 654.4 (Renumbered to 649.44), 654.5 (Renumbered to 649.45), 654.6 (Renumbered to 649.47), 655.1 (Renumbered to 649.51), 656.1 (Renumbered to 649.52), 656.2 (Renumbered to 649.54), 656.3 (Renumbered to 649.55), 656.4 (Renumbered to 649.53), 656.5 (Renumbered to 649.56), 656.6 (Renumbered to 649.50), 656.7

	(Renumbered to 649.58), 656.8	12/26/07	AMEND: 3433(b)
	(Renumbered to 649.57), 657.1	12/26/07	AMEND: 3963
	(Renumbered to 649.59), 657.2	12/21/07	AMEND: 3434(b)
	(Renumbered to 649.60), 657.3	12/20/07	ADOPT: 606
	(Renumbered to 649.62)	12/19/07	AMEND: 3700(c)
		12/19/07	AMEND: 3433(b)
		12/10/07	AMEND: 3406(b)
		12/06/07	AMEND: 3589
		12/03/07	AMEND: 3434(b)
		11/29/07	AMEND: 3434(b)
		11/29/07	AMEND: 3591.2
		11/27/07	AMEND: 3406(b)
		11/27/07	AMEND: 3433(b)
		11/21/07	AMEND: 3433(b)
		11/16/07	AMEND: 3417(b)
		11/15/07	AMEND: 3434
		11/14/07	AMEND: 3589
		11/14/07	AMEND: 3591.20
Title 3		Title 4	
04/16/08	AMEND: 3434(b) & (c)	04/08/08	AMEND: 1467
04/15/08	AMEND: 3433(b)	03/24/08	AMEND: 10177, 10178, 10181, 10182, 10187, 10188, 10189
04/08/08	AMEND: 3434(b)	02/29/08	ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101
04/02/08	AMEND: 3433(b)	01/22/08	AMEND: 8070, 8072, 8073
04/02/08	AMEND: 3433(b)	01/10/08	AMEND: 1632
04/01/08	ADOPT: 821, 821.1, 821.2, 821.3, 821.4, 821.5 REPEAL: 784, 784.1, 784.2, 800, 800.1, 801, 802	12/26/07	AMEND: 12002, 12122, 12202, 12203.2, 12222
03/26/08	AMEND: 3434(b)	11/21/07	ADOPT: 12347
03/21/08	AMEND: 3434(b)	Title 5	
03/19/08	AMEND: 6620	03/03/08	ADOPT: 9510.5, 9512, 9513, 9514, 9525 AMEND: 9510, 9511, 9515, 9516, 9517, 9518, 9519, 9521, 9522, 9523, 9524, 9527, 9528, 9529, 9530 REPEAL: 9517.1, 9520
03/17/08	AMEND: 3434(b)	02/28/08	ADOPT: 11969.10, 11969.11 AMEND: 11969.1, 11969.2, 11969.3, 11969.4, 11969.6, 11969.7, 11969.8, 11969.9
03/17/08	AMEND: 3406(b)	02/25/08	AMEND: 41301
03/17/08	AMEND: 3700(c)	02/22/08	AMEND: 3051.16, 3065
03/13/08	AMEND: 6860	12/20/07	ADOPT: 1202 AMEND: 1200, 1204, 1204.5, 1205, 1207, 1207.1, 1207.2, 1207.5, 1209, 1210, 1211, 1211.5, 1215, 1215.5, 1216, 1217, 1218, 1219, 1225
03/12/08	AMEND: 3434(b)	11/19/07	ADOPT: 11981.3, 11984.5, 11984.6, 11985, 11985.5, 11985.6 AMEND: 11981 (renumber to 11980), 11982 (renumber to 11981), 11985 (renumber
03/12/08	AMEND: 3406(b)		
03/05/08	AMEND: 3875		
03/04/08	AMEND: 3867		
03/03/08	AMEND: 3591.20		
02/22/08	AMEND: 3434(b)		
02/21/08	AMEND: 6393		
02/11/08	AMEND: 3434(b)		
02/08/08	AMEND: 3591.20		
02/04/08	AMEND: 3434(b)		
01/29/08	AMEND: 3700(c)		
01/28/08	AMEND: 3433(b)		
01/28/08	AMEND: 4500		
01/25/08	ADOPT: 6445, 6445.5, 6448, 6448.1, 6449, 6449.1, 6450, 6450.1, 6450.2, 6451, 6451.1, 6452, 6452.1, 6452.2, 6452.3(a), 6452.3(b), 6452.3(c), 6452.3(d), 6452.3(e), 6452.3(f), 6452.4, 6536(a), 6536(b)(1-3), 6536(b)(4) AMEND: 6000, 6400, 6450, 6450.1, 6450.2, 6450.3, 6452, 6453, 6502, 6624, 6626, 6784		
01/24/08	AMEND: 1391, 1391.1		
01/22/08	AMEND: 3591.6		
01/22/08	AMEND: 3591.6		
01/22/08	AMEND: 3591.2(a)		
01/22/08	AMEND: 3591.5(a)		
01/18/08	AMEND: 3423(b)		
01/18/08	ADOPT: 3152		
01/11/08	AMEND: 3406(b)		
01/10/08	AMEND: 3433(b)		
01/07/08	AMEND: 1180.3.1		

	11981.5), 11980 (renumber to 11982), 11986 (renumber to 11982.5), 11983, 11983.5, 11984	3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415
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04/11/08	AMEND: 7016(c)	
04/07/08	AMEND: 10116, 10116.1, 10117.1, 10118.1, 10119, 10120, 10121, 10136, 10137, 10225, 10225.1, 10225.2	
04/01/08	ADOPT: 3140, 3141, 3141.1, 3141.2, 3141.3, 3141.4, 3141.5, 3141.6, 3141.7, 3141.8, 3141.9, 3141.10, 3141.11, 3141.12, 3141.13, 3142, 3142.1, 3142.2, 3143, 3144, 3145, 3146 AMEND: 3000, 3001, 3009, 3094.2, 3120.6, 3137	12/10/07 AMEND: 13035 12/06/07 AMEND: 9100
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03/05/08	AMEND: 3228	03/27/08 AMEND: 2699.6500, 2699.6805, 2699.6803
02/29/08	AMEND: 3270	03/20/08 AMEND: 1950.314.8
12/31/07	AMEND: 3650	03/18/08 AMEND: 2498.6
12/28/07	AMEND: 1604.24	03/12/08 ADOPT: 2699.402 AMEND: 2699.100, 2699.205, 2699.6600, 2699.6607, 2699.6608, 2699.6613, 2699.6625, 2699.6629, 2699.6813
12/11/07	ADOPT: 9767.16, 9813.1, 9813.2 AMEND: 9767.1, 9810, 9811, 9812, 9813	03/06/08 AMEND: 260.241, 260.241.2 REPEAL: 260.218.5, 260.241.1
12/10/07	ADOPT: 13800	02/22/08 ADOPT: 2695.20, 2695.21, 2695.22, 2695.23, 2695.24, 2695.25, 2695.26, 2695.27, 2695.28
12/04/07	AMEND: 3214, Figure E-1 of 3231, Plate B-17	02/14/08 ADOPT: 2790.8, 2790.9
11/29/07	ADOPT: 33485 AMEND: 32135, 32166, 32500, 32630, 32700, 32781, 32784, 32786, 33480, 61020, 61450, 61470, 61480, 81020, 81450, 81470, 81480, 91020, 91450, 91470, 91480	02/11/08 AMEND: 5101 01/14/08 ADOPT: 2844 AMEND: 2840, 2842 01/08/08 ADOPT: 2240.5 AMEND: 2240, 2240.1, 2240.2, 2240.3, 2240.4
11/26/07	ADOPT: 392.4 AMEND: 347, 350.1, 355, 359, 359.1, 371.2, 374, 385, 392.5	12/27/07 ADOPT: 1436, 1950.314.8 12/19/07 AMEND: 2698.82(b), 2698.84, 2698.87, 2698.89.1 11/30/07 AMEND: 2699.6611 11/30/07 ADOPT: 2699.6603, 2699.6604 AMEND: 2699.6603 (renumbered to 2699.6602), 2699.6605, 2699.6607, 2699.6608, 2699.6611, 2699.6625 11/15/07 AMEND: 2498.6
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02/28/08	ADOPT: 7024.9, 7025.4, 7136.4, 7136.5, 7136.6, 7136.7, 7136.8, 7136.9, 7137, 7138, 7179.4, 7179.5 REPEAL: 7136.5	Title 13
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12/10/07	AMEND: 553.70		
12/05/07	ADOPT: 2166, 2166.1, 2167, 2168, 2169, 2170, 2171, 2172, 2172.1, 2172.2, 2172.3, 2172.4, 2172.5, 2172.6, 2172.7, 2172.8, 2172.9, 2173, 2174 AMEND: 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136, 2141, Incorporated Test Procedures		
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02/19/08	AMEND: 7.50		
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01/28/08	ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5		
01/17/08	AMEND: 890		
01/10/08	AMEND: 1670		
01/08/08	AMEND: 251.3		
01/04/08	ADOPT: 11970 AMEND: 11900		
12/28/07	AMEND: 1280		
12/27/07	AMEND: 2.25, 2.30, 5.75, 5.86, 5.93, 5.95, 6.37, 7.50, 8.00, 670.5		
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12/17/07	AMEND: 17210.2, 17210.4, 17855.2, 17862, 17867		
12/17/07	AMEND: 632		
12/14/07	ADOPT: 700.4, 700.5 AMEND: 1.74, 29.15, 116, 300, 551, 705		
11/29/07	ADOPT: 916.9.1, 936.9.1, 916.9.2, 936.9.2, 916.11.1, 936.11.1, 923.9.1, 943.9.1, 923.9.2, 943.9.2 AMEND: 859.1, 916.9, 936.9, 956.9, 923.9, 943.9, 963.9		
11/29/07	AMEND: 895.1, 1052, 1052.1, 1052.4		
11/29/07	ADOPT: 1093, 1093.1, 1093.2, 1093.3, 1093.4, 1093.6 AMEND: 895, 895.1, 1037		
11/28/07	AMEND: 163, 164		
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03/27/08	ADOPT: 2536.1		
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03/18/08	ADOPT: 3486 AMEND: 3482, 3484, 3485		
03/06/08	ADOPT: 3355.2 AMEND: 3030, 3050, 3268.2, 3355, 3355.1		
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02/04/08	ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792		
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12/28/07	ADOPT: 3269.1 AMEND: 3005, 3315, 3341.5		
12/18/07	AMEND: 3052, 3054.1		
12/11/07	AMEND: 176		
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04/10/08	AMEND: 4123		
04/01/08	AMEND: 1381.5, 1388, 1388.6, 1392		
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 01/11/08 ADOPT: 3340.43 AMEND: 3340.42
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 12/27/07 ADOPT: 1887.13, 1887.14 AMEND:
 1816.7, 1887.7
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 30338 AMEND: 30195.3, 30295, 30330,
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 30333.2, 30334, 30336, 30337 REPEAL:
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 5541, 5550, 5551, 5560, 5561, 5562,
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01/02/08	AMEND: 1802	02/06/08 AMEND: 2708(c)–1
11/21/07	AMEND: 4703	01/08/08 ADOPT: 7107, 7118 AMEND: 7314
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04/15/08	AMEND: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50962, 50963, 50964, 50965, 50966	
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12/10/07 ADOPT: 8207.1, 8212.3 AMEND: 8204,
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8212.1, 8213, 8216, 8217

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03/21/08 AMEND: 15100, 15110, 15140, 15150,
15160, 15170, 15185, 15186, 15187,
15187.1, 15190, 15200, 15210, 15220,
15230, 15240, 15241, 15250, 15260,
15280, 15290, 15300, 15310, 15330,
15400.2, 15600

02/25/08 ADOPT: 21815 AMEND: 21780, 21790,
21800, 21820, 21825, 21830, 21840,
21865, 22234, 22240, 22243, 22244,
22246, 22247, 22248, 22249, 22249.5,
22251, 22252, 22253, Division
2 — Appendix 3

12/18/07 AMEND: 15290 (reports 3, 4 & 6),
15400.1, Division 3 — Subdivision 1 —
Chapters 1, 2, 3, 4, 5, 6

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01/10/08 AMEND: 1300.67.60

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11/28/07 AMEND: 47-110, 47-260, 47-301,
47-430, 47-601, 47-602, 47-620,
47-630 REPEAL: 47-610